

1882-016
Lee Co.

Chancery Causes: Elkanah Flanary Jr to vs. Elkanah D. Barker

Wynn

CA-Debt
T-Property



January 20th

1878

Twenty days after date I promise to

pay to the order of A. C. Hilman

Two hundred & Two Dollars & 12 Cents

DOLLARS.

Without defalcation, value received, with interest at the rate of six per cent. per annum from date until paid; and if all or any part hereof shall be collected by law, then agree to pay the Lawyer's fee and commissions for such collections, to be included in the judgment and do hereby waive all Homestead exemption as to this note.

Negotiable and payable at Yorktown Station, Va. Co. Va.

Witness my hand and Seal

Due Jan 20th 1878

E. S. Kurnale & Barker

attest A. C. Hilman

1878. April 27. I assign the
within note to Ellen Wynn
for value received -

Elkanah Flannery

Elkanah Flannery
Brentwood
No. 1014 1/2 12th St
St. Louis, Mo.

To The Hon John A Kelly Judge of the
Circuit Court of Lee County Va

Yours Obedient Elkanah Flanary who sues
for the benefit of Eliza Wynn humbly
complaining represents, That he bargained
and sold unto Elkanah D Barker
a tract of land situated in the Grob
Orchard in said County for the sum
of eight hundred dollars. For part of
this purchase money to wit \$202⁴² the
said Barker executed a writing subscribed
with his proper name bearing date on
the 26th January 1878 whereby the said
Barker promised to pay your order the
said sum of \$202⁴² payable one day
after date, and by this writing it is
further provided that in the event that
that the said debt should be collected by
suit then the said Barker further
agreed to pay the lawyers fee and
Commission for such collection to be
included in the Judgment, and as to the
payment whereof the said Barker
claimed his Homestead Exemption
This writing is herewith filed marked
A. And is prayed to be considered herewith

Yam Arator further states that the said sum of money is due him no part thereof having ever been paid him and although he has often requested the said Barker to pay the same yet he has hitherto failed and refused to pay the same, and hence he has been forced to come into this honorable Court to enforce collection thereof, and being thus compelled he had to employ Hogan & Richmond attorneys at law to bring this suit for the collection of this debt, and for their services he has contracted to pay them 10 per cent on the debt sued on and the legal fee which may be recovered, and as may be seen by said writing these sums the said Barker has bound himself to pay,

The object of this suit is to recover from the said Barker the said sum of money and the fees which Yam Arator has contracted to pay, no deed has as yet been made by Yam Arator to his vendee but he files one for him with this deed, in which it will be seen that a line

is retained for the unpaid purchase
money - His prayer therefore is that
the said Elknoch & Barker be
made a defendant to this bill and
answer the same on oath that on
a hearing the land in the bill
mentioned and described in the deed
herewith filed marked B, be sold
or a sufficiency thereof to pay said
debt due from Barker and accruing
costs, and grant other and general
relief may seem issue &c
Hogan & Prichard

Orr Clerk \$ 5.57 July 1881
 A 15.00
 3 1.50
 6 1.76
 \$22.83

(H.D)

Elk H. Lanang for te

W { Bell - ch

E L Doster

Ex Libris futur

1879. Mr. Bill Filed Spa Exec
 & Decree nisi.

" Mr. D. N. Confort set for
 hearing by Pluff.

" Mr. Decree & Contd.

" Aug & Nov Contd.

1880. Mr & Aug contd.

1881. Mr. Contd. Aug Contd.

1882. August Decree final

Elk. Flamingo

23 Dec 1882
Final

E. S. Barker

Aug. 1882

Entered Page 267

J. A. Hyatt
Clerk

Enter this

Sept: " 1882

J. A. Hyatt

Elkanah Flanary for se

vs.

In ley

E D Barker

This cause came on this day to be heard on the bill taken for confessed exhibits filed and was argued by counsel on consideration whereof it is adjudged ordered and decreed that the plaintiff for the benefit of the beneficiary Eliza Wynn recover against the defendant E D Barker the sum of \$202.42 with legal interest thereon from the 27th of January 1878 till and the costs of this suit together with 10 per cent upon the first mentioned sum, and should be paid to pay the same within 20 days from the rising of this court. Then it is further decreed that A L Pridmore who is hereby made a Special Commissioner for the purpose sell the land in the bill mentioned or so much thereof as may be necessary to pay the amount herein decreed against defendant, and costs and expense of sale. The Commissioner is ordered to make sale at the front door of the Court house of this County on some Court day on a credit of 12 months except as to the costs which

He will require to be paid in hand,
 And for the remainder bond with good
 Security - Shall be required. Before
 Sale is made he shall post notice in
 the front door of this Court house ^{for 30 days},
 and in the neighborhood where the
 land lies setting forth the time place
 and terms of Sale And report to
 this Court And the Court is continued

E. Flannery Clerk

vs { Security etc

E. L. Barker

Entered Page 37

R. W. Wood Jr. vs

Enter
 J. A. H.
 Apr 4/79

Shepp ^{20.10}
 Clark ^{18.30}
 ^{4.80}

pa
 pe

Note due, Jan. 27-1878. \$202.42

Int-on same to Dec. 18-79 12.00

214.42

Credit as per payment by }
 Wm M. Pennington Dec. 18/79 } 75.00

139.42

Int to Jan. ~~Dec. 18~~ 79 28

139.70

Payment as per receipt viz } 155.00
 Barker hands. }

Over paid by Barker. \$ 15.30
 which last sum will
 go on the casts which will
 probably amount to somewhere
 from 20. to 25#.

Casts — \$ 20.10

The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon

Elkanah D. Barker

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

March next, being rule day, to answer a bill in Chancery, exhibited in our said Court against
him by *Elkanah Flanary*

who sues for the benefit of Eliza Wyman

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this

day of

Feb'y.

1879; in the *103*rd year of the Commonwealth.

J. W. Orr Jr. **CLERK.**

H 40

Elkanah Flanary for

3 Spain Chy

Elkanah D. Barker

March Rules 1879

Excited J. C. Scott
D. S. for 18 Ely 846.

J 1. 50

23

12

18

18

18

10

1.00

36

36

20

20

6 - 3.10

a 15.00

s. 50

J 1.50

20-10